

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

SUNEDISON, INC., *et al.*,

Reorganized Debtors.<sup>1</sup>

## Chapter 11

Case No. 16-10992 (SMB)

(Jointly Administered)

SUNEDISON LITIGATION TRUST,

Plaintiff,

– against –

GENERAL ELECTRIC COMPANY,

Defendant.

Adv. Pro. No. 18-01433 (SMB)

**FOURTH AMENDED STIPULATION AND  
ORDER SETTING DISCOVERY SCHEDULE**

**WHEREAS**, the SunEdison Litigation Trust (“Plaintiff”) and General Electric Company (“Defendant”, together with the Plaintiff, the “Parties”) entered into a stipulation and order (the “Stipulation”) as required by Rule 7026 of the Federal Rules of Bankruptcy Procedure, setting a discovery schedule which Stipulation was “So Ordered” by the Court on May 14, 2019 [Dkt. No. 26]; and

1 The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's tax  
2 identification number, are as follows: SunEdison, Inc. (5767); SunEdison DG, LLC (N/A); SUNE Wind Holdings, Inc.  
3 (2144); SUNE Hawaii Solar Holdings, LLC (0994); First Wind Solar Portfolio, LLC (5014); First Wind California  
4 Holdings, LLC (7697); SunEdison Holdings Corporation (8669); SunEdison Utility Holdings, Inc. (6443); SunEdison  
5 International, Inc. (4551); SUNE ML 1, LLC (3132); MEMC Pasadena, Inc. (5238); Solaicx (1969); SunEdison  
6 Contracting, LLC (3819); NVT, LLC (5370); NVT Licenses, LLC (5445); Team-Solar, Inc. (7782); SunEdison Canada,  
7 LLC (6287); Enflex Corporation (5515); Fotowatio Renewable Ventures, Inc. (1788); Silver Ridge Power Holdings, LLC  
8 (5886); SunEdison International, LLC (1567); Sun Edison LLC (1450); SunEdison Products Singapore Pte. Ltd. (7373);  
9 SunEdison Residential Services, LLC (5787); PVT Solar, Inc. (3308); SEV Merger Sub Inc. (N/A); Sunflower Renewable  
10 Holdings 1, LLC (6273); Blue Sky West Capital, LLC (7962); First Wind Oakfield Portfolio, LLC (3711); First Wind  
11 Panhandle Holdings III, LLC (4238); DSP Renewables, LLC (5513); Hancock Renewables Holdings, LLC (N/A);  
12 EverStream HoldCo Fund I, LLC (9564); Buckthorn Renewables Holdings, LLC (7616); Greenmountain Wind Holdings,  
13 LLC (N/A); Rattlesnake Flat Holdings, LLC (N/A); Somerset Wind Holdings, LLC (N/A); SunE Waiawa Holdings, LLC  
14 (9757); SunE Minnesota Holdings, LLC (8926); SunE MN Development Holdings, LLC (5388); SunE MN Development,  
15 LLC (8669); Terraform Private Holdings, LLC (5993); Hudson Energy Solar Corporation (3557); SunE REIT-D PR, LLC  
16 (5519); SunEdison Products, LLC (4445); SunEdison International Construction, LLC (9605); Vaughn Wind, LLC  
17 (4825); Maine Wind Holdings, LLC (1344); First Wind Energy, LLC (2171); First Wind Holdings, LLC (6257); and  
18 57533/0003-21127433v1

**WHEREAS**, the discovery schedule was amended by agreement of the parties on November 21, 2019 [Dkt. No. 36]; and the discovery schedule was further amended on March 17, 2020 [Dkt. No. 38] and May 13, 2020 [Dkt. No. 39] in light of the impact of COVID-19; and

**WHEREAS**, the Parties have worked diligently to complete fact discovery prior to the deadline which is set to expire on September 30, 2020; and

**WHEREAS**, the Parties have engaged a mediator in order to potentially resolve the adversary proceeding and therefore seek to extend the discovery deadlines by approximately sixty (60) days; and

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. Fact discovery shall be completed by **November 30, 2020**.
2. Pursuant to Fed. R. Civ. P. 30(b)(3) and 30(b)(4) as incorporated by Fed. R. Bankr. P. 7030, any deposition may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means.<sup>2</sup>
3. Any party which has the burden of proof on a matter shall submit their expert report by **January 4, 2021**.
4. Rebuttal expert reports, if any, shall be submitted by **February 3, 2021**.
5. Expert discovery shall be completed by **March 5, 2021**.
6. A proposed final pretrial order shall be submitted by **March 19, 2021**.

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EchoFirst Finance Co., LLC (1607). The address of the Reorganized Debtors' corporate headquarters is Two CityPlace Drive, 2nd floor, St. Louis, MO 63141.

<sup>2</sup> This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

7. A final pretrial conference shall be held on **March 25<sup>th</sup>, 2021.**

**Stipulated and agreed as to form and substance:**

Dated: New York, New York  
August 28, 2020

**COLE SCHOTZ P.C.**

/s/Daniel F.X. Geoghan

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Dated: Boston, MA  
August 28, 2020

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/s/J.P. Jaillet

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*Counsel to Defendant*

**SO ORDERED:**

Dated: August 31<sup>st</sup>, 2020  
New York, New York

**/s/ STUART M. BERNSTEIN**

Honorable Stuart M. Bernstein  
United States Bankruptcy Judge